

FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: February 13, 2014

Agenda Item: Whitefish River Proposed Amendment

Division: Enforcement

Action Needed: Approval of Proposed Rule

Time Needed on Agenda for this Presentation: 10 Minutes

Background: The Whitefish City Council has proposed an amendment to the current no wake regulation on the Whitefish River. The proposal restricts the Whitefish River to electric motors or manually powered vessels from the BNSF train trestle to the JP Bridge. The Whitefish River has had a no-wake restriction in place for this section of the river for over 20 years. In 2006 the City of Whitefish withdrew a similar petition prior to it being heard by the FWP Commission. The Whitefish City Council feels this regulation is necessary to address concerns of resource damage, safety and address social desires to create a unique opportunity for non-motorized users on the Whitefish River that are not adequately being addressed by the current no wake regulation.

Public Involvement Process & Results: No public process by FWP. The City of Whitefish discussed the issue at several City Council meetings and took public comment. They received public comment both in support and opposition to the resolution. A resolution was passed by the City of Whitefish to petition FWP on November 4, 2013. 3 Council members voted in favor, 3 Council members voted in opposition and the mayor broke the tie voting in favor of the resolution.

Alternatives and Analysis:

No Action: PRO - Allows motorized users to still operate vessels in this area at no wake.
CON – Petitioners don't feel the no action alternative addresses their concern.

Implement Petitioners proposal. PRO – Petitioners concerns are addressed. CON- restricts historic recreational use by motorized vessels

Agency Recommendation & Rationale FWP recommends moving to rule making. FWP feels the current no-wake rule limits resource damage, provides safety to users and maintains historic recreation use by motorized vessels. We have received a few complaints over the years and cited several individuals for violating the no wake regulation. FWP does not feel there are significant resource damage or safety concerns. However, in talking with the City of Whitefish, they are interested in adopting this regulation to address social desires to create a unique opportunity for non-motorized users and feel there is major support for this proposed regulation. Moving forward to rule making would provide the ability to determine public sentiment for this regulation.

Proposed Motion:

I move to initiate rulemaking as proposed in the petition to amend ARM 12.11.645 limiting the Whitefish River to electric motors or manually powered watercraft from the trestle to the JP Bridge.